

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 04 TEGUCIGALPA 002025

SIPDIS

STATE FOR DRL/IL (MHARPOLE), EB, WHA/PPC, AND WHA/CEN
STATE PASS AID FOR LAC/CEN
DOL FOR ILAB (TFAULKNER)

E.O. 12958: N/A

TAGS: [ELAB](#) [EIND](#) [ETRD](#) [PHUM](#) [SOCI](#) [EAID](#) [PGOV](#) [HO](#)

SUBJECT: CHILD LABOR IN HONDURAS: INFORMATION FOR THE TRADE
AND DEVELOPMENT ACT (GSP) REPORTING REQUIREMENTS

REF: A. STATE 193266

- [B](#). TEGUCIGALPA 650
- [C](#). TEGUCIGALPA 185
- [D](#). 01 TEGUCIGALPA 2359
- [E](#). 01 TEGUCIGALPA 2091

[1](#)1. Summary. Over the past several months, Labor Attache and other EmbOffs have spoken with government officials, private sector, labor unions, non-governmental organizations, and child advocates regarding the situation of child labor in Honduras. The Embassy has been active in promoting an agenda to support the eradication of the worst forms of child labor. We believe that child labor is a serious issue in Honduras and will continue to pressure government and private sector stakeholders to eradicate the worst forms of child labor. The Government of Honduras (GOH) and the Ministry of Labor have demonstrated the political will necessary to implement and uphold their obligations to eliminate the worst forms of child labor. Answers below generally follow the subjects specified in ref A. Post notes that there have been no dramatic changes since last year's report. End Summary.

CHILD LABOR IN HONDURAS

[1](#)2. Honduran government officials, International Labor Organization officials, and human rights organizations estimate that approximately 400,000 children work illegally in Honduras, the majority for their own families, in the informal sector, and in rural areas. Many of these children work out of economic necessity alongside other family members. Bonded and/or enslaved labor is rare, but work in hazardous conditions and for long hours is common, especially for those children who have given up schooling. The U.S.-funded and International Labor Organization-managed International Program on the Elimination of Child Labor (IPEC) identified the worst forms of child labor in Honduras as prostitution (particularly in tourist areas along the North Coast), fireworks industry workers in Copan, child divers in lobster boats in the Mosquitia (Caribbean coast), limestone quarry and lime production workers, garbage dump pickers in the two large cities of Tegucigalpa and San Pedro Sula, and coffee and melon agricultural workers. Of these occupations, the most hazardous is diving; some children are victims of commercial sexual exploitation (ref B). Commercial agriculture is the industry with the most significant incidence of child labor, especially melons, where NGOs and the GOH have estimated that approximately 2,000 children work as seasonal laborers (ref E). Harvesting sugar cane fields is also a dangerous area of child labor.

PROSCRIBING WORST FORMS OF CHILD LABOR

[1](#)3. Honduras has adequate laws and regulations proscribing the worst forms of child labor. The Honduran Congress ratified ILO Convention 182 in May 2001 and Honduras became a party to the convention in June 2001. The definition of the worst forms of child labor are identical to that of the ILO Convention 182. All child labor laws, including the ILO Convention 182, are applicable in all sectors and industries.

[1](#)4. Honduras regulates child labor in the Constitution and in two codes, one relating to minors, and the other to labor. The Constitution (Chapter 5, article 128, section 7) establishes that minors who are under age 16 or who are students ages 16 and older cannot work. The Constitution also establishes the maximum hours worked for children under 17 years as six hours daily and 30 hours weekly. Under the Child and Adolescent Code, a law passed in 1996, parents or a legal guardian can request the Ministry of Labor for special permission to allow children ages 14-15 to work, as long as the Ministry of Labor performs a home study to assure that the child both shows the need to work and will be working under non-hazardous conditions. The work day proscribed for children is four hours per day for 14-15 year-olds, and six hours per day for 16-17 year-olds. No minor is allowed to work in hazardous conditions. In law and in practice, the

Ministry of Labor carries out the home studies and limits the number of permits that children ages 14-15 can have. The Labor Code, passed in 1959 and subsequently revised, prohibits night work and extra hours for minors under age 16, and also requires that employers in areas with more than 20 school-aged children on their farm, ranch, or business must provide a location for a school. In practice, many children work without going to the Ministry of Labor to request a permit, particularly those who work in the informal sector and in rural areas.

15. International treaties have a status superior to that of the Constitution. Honduras is a party to ILO Convention 138, which was ratified in 1980. It establishes the minimum age of work at 14 years and specifies the age for completing educational requirements at 15 years. The United Nations Convention on the Rights of Children, ratified by Honduras in 1990, requires each signatory government to establish a minimum age of work, conditions and hours of work, and penalties to assure effective application of the law. The above-mentioned Child and Adolescent Code was developed out of the UN Convention, according to Ministry of Labor sources.

16. Honduran law defines hazardous work to include: standing on scaffolding higher than three meters; use of toxic or noxious substances; exposure to vehicular traffic; exposure to abnormal temperatures; work in tunnels or underground mining; exposure to noise louder than 80 decibels; manipulation of radioactive substances; exposure to high voltage electric currents; underground diving; exposure to garbage or to biological or pathogenic substances; painting with industrial or lead paint; work on dangerous machines such as those that cut, shape, or file metal or wood; activities related to ovens, smelters, metal-working, or heavy presses; or high risk agroindustrial work.

17. The minimum age for employment is consistent with the age for completing educational requirements in law, but in practice, more than sixty percent of children do not complete sixth grade, despite GOH increased spending on educational budgets and improvement to school access in rural areas.

----- IMPLEMENTATION AND ENFORCEMENT MECHANISMS -----

18. In urban areas, these laws and regulations regarding child labor are better implemented than in rural areas. A rural economy in which a significant portion of employment is in the informal sector and in which parents face high opportunity costs to send children to school makes it difficult to implement and enforce these measures against child labor. In large scale manufacturing and services, however, implementation and enforcement of these measures are more consistent. National enforcement remedies are not adequate to punish or deter violations, but pressure from international agreements, such as the Generalized System of Preferences (GSP) and Caribbean Basin Trade Partnership Act (CBTPA), and awareness of the U.S. Customs Forced Child Labor program, have sensitized employers who work in the export sector.

19. Regarding the worst forms of child labor, the GOH has not yet established enforcement or penalties beyond those mentioned above and - for child labor in illicit activities - in the criminal code. Penalties imposed on firms for violating the Child and Adolescent Code include sanctions between USD 287 and 1,437 (5,000-25,000 Lempiras), or twice that if the employer is a repeat offender. For sale or trafficking of children, the criminal code prohibits illegal detention of minors and imposes a 14-18 year prison sentence. Forced child labor, prostitution, and other immoral activities are characterized as economic exploitation in the Child and Adolescent Code and are subject to a three to five year prison term. Furthermore, the criminal code specifies a seven to 12 year sentence, and a USD 431 to 862 (7,500-15,000 Lempiras) fine for persons found guilty of prostituting minors. Forced recruitment and obligatory military service were abolished under a Constitutional amendment in 1997. Adults who use children in narcotrafficking are sanctioned according to the Law on the Illicit Use and Trafficking of Psychotropic Drugs.

10. In theory, if children are found to be working in illicit conditions, either through a labor inspection or through a police investigation, the Special Prosecutors' Office on Children, founded in 1997, works with the investigative police to uncover evidence and bring the perpetrators to trial. The judicial branch has also established Children Courts, where violations of children's rights are tried. In practice, the Honduran police and judicial system are rife with inefficiencies and corruption and face many difficulties in administering justice. Nonetheless, the GOH has begun to improve its police force and recently implemented a new modern criminal procedures code that is intended to improve the Government's ability to bring cases to trial and to

administer justice.

11. For children employed in the worst forms of child labor that are not illicit by their nature but are hazardous or illegal for minors, the authority that would investigate such cases is the Ministry of Labor, which has trained inspectors to identify child labor. Labor inspectors, upon being told of a violation or in a routine inspection, report the incident for administrative action. The inspection unit cannot immediately sanction employers, and the Ministry has less than 50 inspectors in a country of 6.5 million people. Note: Even more than most government ministries, a severe lack of resources restricts what the MOL is able to accomplish. End Note. Despite these problems, in 2001, the MOL re-opened a regional office and re-initiated inspections of lobster boats in the Mosquitia region, where boat captains illegally employ boy divers. The MOL also cooperated with the Honduran Private Business Council (COHEP) to launch an education campaign among private industries that increases business awareness of the worst forms of child labor in September 2001. Early in 2001 the Minister of Labor personally directed a special inspection of the melon industry in order to uncover the incidence of abuse in the sector. Since then, Minister German Leitzelar has visited Choluteca several times to observe the problems of child labor in the melon and sugar cane industries.

WHAT DOES THE GOH DO?

12. The Government provides free, universal, and compulsory education through the age of 13; however, the Government estimated that as many as 65,000 children ages 6 through 12 fail to receive schooling of any kind each year; of these, almost 10,000 will never attend primary school. A number of social and educational programs exist that are intended to reach children at risk for working instead of attending school. A school grant program run by the Ministry of Education (MOE) provides very poor families with money for school supplies. The MOE also provides alternative schooling by radio and long-distance learning for children in distant rural areas with few schools. Regional committees of "Child Defense" volunteers try to convince parents to send their children to school. Nonetheless, extreme poverty, recent famine in some rural areas, and lack of jobs for grade school and high school graduates create an atmosphere where government incentives or programs have not yet stemmed the flow of children working.

13. The National Commission for the Gradual and Progressive Eradication of Child Labor, established by decree by former President Carlos Flores in 1998 and maintained by current President Ricardo Maduro (who swore in a new commission in May 2002), provides a tripartite working group in which civil society (including the ILO/IPEC, unions, and non-governmental organizations), employer groups, and a number of government ministries have been able to discuss child labor issues over the past several years. The Commission created a social dialogue and forum for negotiation between the groups, resulting in broad support for the ratification of ILO Convention 182, the development of a National Action Plan for the Gradual and Progressive Eradication of Child Labor, and the Regulations on the Worst Forms of Child Labor, which were drafted by the Commission and passed by Congress in December 2001. (Note: In Honduras, Congress passes a law, the President signs the law, the executive branch drafts implementing regulations, and then Congress must pass the regulations for them to take effect. This cumbersome process is a factor in the inability of successive administrations to update many outdated labor regulations. End Note.) Furthermore, the Commission spawned seven inter-institutional sub-committees throughout the country that work in a tripartite fashion to develop strategies to eliminate child labor in Honduras. For example, several GOH entities, international organizations, and NGOs have participated in an inter-institutional working group that is finalizing a national plan against the commercial sexual exploitation of children. Maduro's impressive Minister of Labor, German Leitzelar - a labor lawyer by profession, has continued to increase the ministry's work combating child labor.

14. The MOL also signed a Memorandum of Understanding with the ILO in 1997 to support the ILO/IPEC program, which initiated program activities in the melon and coffee sectors. These programs have since expanded to cover lobster divers, garbage dumps, and the commercial sexual exploitation of children. The MOL also established its own office on the Gradual and Progressive Eradication of Child Labor.

15. The Department of Labor (through ILO/IPEC) and USAID, as well as UNICEF, support several projects to promote the eradication of the worst forms of child labor, including by promoting school attendance. In general these projects aim to remove children from or prevent children from exploitative work, and aim to provide educational opportunities and social

services for children and their families. See ref C for a list of technical assistance on labor issues from international donors, including projects combating child labor.

COMMENT

116. The GOH and the MOL have actively demonstrated the political will and found the resources to combat the child labor problem. The industry group, COHEP, has recently showed renewed vigor to participate in the tripartite commission and to educate its own members on the importance of adhering to the ILO Convention 182. We note that this reawakened commitment came on the heels of the July 17-18, 2001 visit of the USTR-led interagency delegation to Honduras to discuss labor conditions. The delegation determined that the situation in Honduras did not warrant opening a review of CBTPA benefits (ref D). The U.S. Embassy continues to work with the government, NGOs, and the private sector to send the message that the worst forms of child labor are detrimental to business with the U.S. and could subject offending sectors to U.S. sanctions. In addition, strong Honduran interest in a U.S.-Central America Free Trade Agreement (CAFTA) is clearly a motivating factor for the GOH and the private sector to accelerate efforts to eradicate the worst forms of child labor. In sum, Post believes that the GOH is making continual progress toward the elimination of the worst forms of child labor. End Comment.

PALMER